

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

INCREDIBLE AUTO SALES LLC,

Debtor.

Case No. **06-60855-11**

ORDER

At Butte in said District this 28th day of February, 2007.

After due notice hearing was held at Billings on February 26, 2007, on the Debtor's amended application to employ Southwest Brokerage Company of Arlington, Texas, pursuant to 11 U.S.C. § 327(a), filed on January 20, 2007 (Docket No. 221). No objections were filed and no appearance was made at the hearing in opposition. The Debtor was represented at the hearing by attorney William L. Needler in support of Debtor's amended application, and requested *nunc pro tunc* approval. The Office of United States Trustee was represented at the hearing by senior attorney/advisor Daniel P. McKay, who stated the U.S. Trustee does not object to the Debtor's amended application, and noted that the \$25,000.00 fee is separate from the purchase price of the dealership.

Based on the absence of any objection after notice, and statements of counsel, the Court granted the Debtor's amended application at the hearing. The Court specifically advised the Debtor's attorney that the \$25,000.00 flat fee for the broker would be allowed only on the condition that the sale of the dealership goes through, and if there is no sale the Court would not allow payment of the broker's fee from the estate.

IT IS ORDERED the Debtor's amended application to employ Southwest Brokerage Company of Arlington, Texas, pursuant to 11 U.S.C. § 327(a), filed on January 20, 2007 (Docket No. 221) is granted and the Debtor's *nunc pro tunc* employment of Southwest Brokerage Company of Arlington, Texas, as broker is approved upon the condition that the \$25,000.00 flat fee for said broker shall be allowed only if the pending sale of the Debtor's car dealership goes through, and if there is no sale the Court will not allow payment of the broker's fee from the estate.

IT IS FURTHER ORDERED any compensation of Southwest Brokerage Company of Arlington, Texas, is subject to final approval by this Court upon the filing of an application for compensation for compensation in conformity with Mont. LBR 2016-1(a) and LBF 17.

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana